

# **MINUTES OF THE COMMISSION FOR HUMAN RIGHTS**

**August 28, 2015**

**A regular meeting of the Commission for Human Rights was held on Friday, August 28, 2015. Present at the meeting were Commissioners John B. Susa, Chair, Camille Vella-Wilkinson, Angelyne E. Cooper, Esq., Alberto Aponte Cardona, Esq. and Rochelle Bates Lee. Absent were Commissioners Iraida Williams and Tolulope Kevin Olasanoye, Esq. The meeting commenced at 12:35 p.m.**

**Commissioner Lee moved to approve the minutes of June 26, 2015. Commissioner Vella-Wilkinson seconded and the motion carried unanimously.**

## **Status Report of Michael D. Évora, Executive Director**

**A written report was handed out. All new information is in bold print.**

**Case Production Report – Attached**

**Aged Case Report – No aged cases to report.**

**Outreach Report – Attached**

**The Director reported that the U.S. Department of Housing and Urban Development (HUD) had asked that only one staff member from each**

**state agency attend its National Fair Housing Training and Policy Conference. The Director decided that Legal Counsel Francis Gaschen should represent the Commission at the conference which was scheduled for the first week of September, 2015 in Washington, D.C.**

## **STATUS REPORT – COMMISSIONERS**

**OUTREACH:** Commissioner Vella-Wilkinson reported that she docketed a memorandum from the City Council to the Mayor of Warwick seeking an Educational Acoustic Survey to determine the proper assistive hearing devices for the public attending City Council meetings.

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**GENERAL STATUS:** Dr. Susa has not yet sent a letter to the Governor asking for a temporary change in the position of Chairperson from Dr. Susa to Commissioner Vella-Wilkinson.

**The Commissioners asked the staff to see if they could determine whether the Governor has plans with respect to the reappointment of Commissioners.**

**STATUS REPORT – LEGAL COUNSEL: by Cynthia Hiatt and Francis Gaschen.**

**LITIGATION: Counsel and the Commissioners reviewed pending litigation in which the Commission has a role. Report attached.**

**Counsel discussed the decision by U.S. District Court Judge John McConnell, granting partial summary judgment to the Commission and denying a summary judgment motion made by the defendants, in a housing discrimination case in which the Commission was represented by Legal Counsel Gaschen.**

**LEGISLATION: Legal Counsel reported on the new Public Laws which affect the Commission directly and on other bills relating to civil rights and the Commission which passed or did not pass in the last legislative session.**

**HEARING SCHEDULE/STATUS OF HEARING CASES: Commission Counsel discussed with the Commissioners the hearing schedule and status of hearing cases.**

**DECISION IN KENNEALLY ET AL V. SIMPSON:** Commissioner Aponte Cardona, Lee and Cooper discussed the decision on the Motion to Dismiss in Kenneally et al v. Simpson. (The other Commissioners did not participate in this discussion because Commissioner Vella-Wilkinson, as the Preliminary Investigating Commissioner, was prohibited from participating

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in the final decision, and the other Commissioners were not deciding Commissioners in this case.) Commissioner Aponte Cardona, Lee and Cooper unanimously agreed that the Motion to Dismiss should be granted. Legal Counsel will draft a written decision for their review.

The meeting adjourned at approximately 2:00 p.m. The next regular meeting of the Commission is September 25, 2015 at 12:00 noon.

**Respectfully Submitted,**

**Michael D. Évora**

## **Executive Director**

**Notes taken by C. Hiatt**

### **EXECUTIVE DIRECTOR'S REPORT TO COMMISSIONERS 28 AUGUST 2015**

#### **I. BUDGET**

**S = State/General Revenue; F = Federal (EEOC/HUD); T = Total**

	<b>FY 2015 (Revised)</b>	<b>FY 2015 (Final)</b>	<b>FY 2016 (Req.)</b>	<b>FY 2016 (Gov. Rec.)</b>	<b>FY 2016 (Passed)</b>
<b>S</b>	<b>1,221,763</b>	<b>1,231,773</b>	<b>1,231,273</b>	<b>1,252,174</b>	<b>1,252,174</b>
<b>F</b>	<b>310,692</b>	<b>310,692</b>	<b>319,355</b>	<b>295,386</b>	<b>295,836</b>
<b>T</b>	<b>1,532,455</b>	<b>1,542,465</b>	<b>1,550,628</b>	<b>1,548,010</b>	<b>1,548,010</b>

**The House Finance Subcommittee on General Government held a hearing on the Commission's FY15 (Revised) and FY16 (Recommended) budget proposals, Cynthia Hiatt attended the hearing in my absence, gave a brief overview of the Commission's accomplishments in FY14, and answered questions from Committee members.**

**The House and Senate passed the state's FY16 (and FY15 Final) budgets. The particulars for the Commission are highlighted above.**

**Betsy Ross, Chief Clerk, and I are in the process of working with our Budget Analyst on the Commission's FY16 (Revised) and FY17 (Request) submissions (due September 18). Per the Budget Instructions, every state agency is being asked to submit a two-tiered budget request for FY17, one assuming regular funding (unconstrained), and one assuming a 7.5% reduction in General Revenue (constrained). We also will be submitting Impact Statements advising the Governor, Budget Office and General Assembly of the impact that implementation of the constrained budget would have on our mission/strategic plan.**

## **II. FEDERAL CONTRACTS**

**EEOC – For federal FY12 (ending September 30, 2012), according to EEOC Project Director Marlene Toribio, we closed 237 co-filed cases.**

**Our contract with EEOC for FY12 was for 235 cases. For federal FY13 (ending September 30, 2013), we closed 201 co-filed cases. Our contract with EEOC for FY13 was for 199 cases. For federal FY14 (ending September 30, 2014), we closed 232 co-filed cases. Our modified contract for FY14 was for 230 cases. For federal FY15 (beginning October 1, 2014), we have closed 187 co-filed cases. Our contract for federal FY15 is for 206 cases; EEOC has increased the per-case reimbursement rate from \$650 to \$700. EEOC is in the**

process of approving an upward modification from 206 to 210 cases for our current contract.

**HUD –** For FY13, we took in 51 new housing charges, all of which were co-filed with HUD, and we processed 50 cases, 47 of which were co-filed with HUD. For FY14, we took in 49 new housing charges, 47 of which were co-filed with HUD, and we processed 51 cases, 50 of which were co-filed with HUD (three of these processed cases were post-PC conciliations). For FY15, we took in 101 new housing charges, 66 of which were co-filed with HUD. (32 were not eligible for co-filing and three were deferred to HUD for investigation.) We processed 94 cases, 65 of which were co-filed with HUD; two of these processed cases were post-PC conciliations. For FY16 (beginning July 1, 2015), we have taken in 17 new housing charges, 16 of which are (or are expected to be) co-filed with HUD. Within this same time period, we have processed 10 cases, seven of which were co-filed with HUD; four of these processed cases were post-PC conciliations.

**HUD PARTNERSHIP GRANTS –** Because the LGBT/Domestic Violence Victims projects came in under budget, HUD agreed to permit us to use leftover grant funds to produce a general fair housing brochure, poster and Power Point presentation for use in outreaches going forward, and to conduct five fair housing outreaches throughout the state. A general fair housing poster and brochure have been drafted and approved by HUD. We now await word on the pending “military status” amendment to the state fair housing law before proceeding

with translation, printing and distribution. The military status bill was signed by the Governor and is now law. HUD has approved the final brochure and poster designs. They will now be translated into five languages and we will schedule the requisite outreaches to complete the project.

**III. PERSONNEL – No new information.**

**IV. OUTREACH – Refer to attached report.**

## **V. GENERAL STATUS**

**&#9679;Meetings with staff members – I continue to meet monthly with individual investigative staff members to monitor case production.**

**&#9679;Case Closures – Refer to attached report.**

**In FY11, we processed 422 cases; in FY12, we processed 411 cases (approx. 3.5% decrease). For FY13, we processed 389 cases (approx. 5% decrease from FY12). For FY14 (beginning July 1, 2013), we processed 376 cases (decrease of approx. 3% from FY13). For FY15, we processed 425 cases, a 13% increase over cases processed in FY14. For FY16 (beginning July 1, 2015), we have processed 36 cases (compare to 35 cases in this same time period in FY15).**

**&#9679;Aged Cases – There are no aged cases in the Commission's**



**inventory for federal FY15 (beginning October 1, 2014).**

**&#9679;Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 1998. We ended FY11 with 323 cases in inventory, FY12 with 255 cases, FY13 with 265 cases, and FY14 with 290 cases. As of 8/27/15, we had a total of 322 cases in inventory; 30 of these cases were pending assignment.**

**&#9679;Website Update – Jason Flanders and I have revamped the Commission’s website ([www.richr.ri.gov](http://www.richr.ri.gov)). Among the changes: the website is now viewable in 90 languages (thereby removing the need to maintain a separate Spanish website); all intake forms and FAQs have been updated to be consistent with current law; the public now can access information on the new pregnancy accommodation law, as well as download a model version of the required notice to employees and new hires; the Directions page now allows viewers to put in their starting address and get personalized directions to the office.**

**&#9679;Affirmative Action Plan – I have completed the Commission’s required annual AA Plan submission (with review by Cynthia). That Plan, due September 11 to the state Office of Diversity, Equity and Opportunity, will be submitted today.**

**&#9679;EEOC Training – Five staff members (Tina Christy, Allison Cote, Stephen Strycharz, Jason Flanders and Zaida Rivera) are all**

**attending a two-day Investigator Training at the Regional EEOC Office in Boston (August 27 and 28).**

**&#9679;HUD Onsite/Performance Assessment – HUD conducted an onsite visit on March 16 as part of its annual performance assessment process. During the course of the on-site, HUD officials conducted staff interviews and reviewed case files. We continue to await HUD’s report/ conclusions.**

**Respectfully submitted,**

**Michael D. Évora**

**Executive Director**

**Attachments**